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To:

Cc:

Subject: RE: ET school board case

I think that making the argument that the corporation is a sham is extremely factual. It all depends on whether the common law factors support finding an employment relationship with the service recipient instead of the personal service corporation. Have you come across [Leavell v. Commissioner](#), 104 T.C. 140 (1995)? In that case, the IRS prevailed in arguing that a professional hockey player was an employee of his hockey team - not his personal service corporation that contracted with the team to provide the hockey player's services. One contrary authority that I am aware of is [Sargent](#), 929 F.2d 1252.

I hope this is helpful.